

TECH CENTER 1600/2900

Group III: Claim 6, drawn to a method for detecting btf  
nucleic acid;

Group IV: Claim 7, drawn to a method for detecting btf protein; and  
Group V: Claim 8, drawn to making btf protein.

Applicants respectfully submit that the restriction requirement set forth above is improper for failure to comply with the relevant provisions of the Manual of Patent Examining Procedure (M.P.E.P.) pertaining to unity of invention determinations.

The present application was filed under 35 U.S.C. §371 as a U.S. national stage application under the Patent Cooperation Treaty.

As stated in § 1893.03(d) of the M.P.E.P.:

Examiners are reminded that unity of invention (~~not restriction~~) practice is applicable in international applications (both Chapter I and II) and in national stage (filed under 35 U.S.C. 371) applications...

The principles of unity of invention are used to determine the types of claimed subject matter and the combinations of claims to different categories of invention that are permitted to be included in a single international or national stage patent application. The basic principle is that an application should relate to only one invention or, if there is more than one invention, that applicant would have a right to include in a single application only those inventions which are so linked as to form a single general inventive concept.

A group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. The expression special technical features is defined as meaning those technical features that define the contribution which each claimed

invention, considered as a whole, makes over the prior art.... Note also examples 1-17 of Annex B Part 2 of the PCT Administrative Instructions as amended 01 July 1992 contained in Appendix AI of the M.P.E.P.

It is noteworthy that, during the international stage of this application, no lack of unity was identified in either Chapter I or Chapter II of the PCT.

Plainly, the restriction requirement of July 3, 2002 fails to comply with the established United States Patent and Trademark Office practice of following the international rules regarding unity of invention in the prosecution of applications filed under § 371 and should be withdrawn.

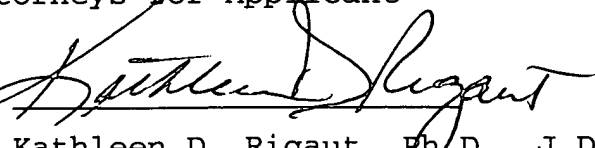
In order to be fully responsive to the above-mentioned requirement, Applicants hereby elect the subject matter of Group I for consideration in this application, namely claims 1-3 drawn to a cell line and methods of use thereof for screening therapeutic agents for p300 inhibitory activity, thereby inducing apoptosis.

Applicants hereby reserve the right to file one or more continuing applications, as provided in 35 U.S.C. §120, on the subject matter of any claims finally held withdrawn from consideration in this application.

Early and favorable action on the merits of this application is respectfully solicited.

Respectfully submitted,  
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